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Washington, Friday, March 18, 1949

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10044

AMENDMENT OF EXECUTIVE ORDER NO. 9 OF JANUARY 17, 1873, RELATING TO THE HOLDING OF STATE OR LOCAL OFFICES BY FEDERAL OFFICERS AND EMPLOYEES

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), and as President of the United States, Executive Order No. 9 of January 17, 1873, as amended, prohibiting with certain exceptions Federal officers and employees from holding State, territorial, county, municipal, or other local offices, is hereby further amended so as to permit persons employed by the United States Atomic Energy Commission, with the approval of the General Manager thereof or one of his designees, to hold office as constables, deputy sheriffs, or other law enforcement officers, and to hold state or local offices, under the laws of the States in which such employees may be on duty: *Provided*, That the General Manager or his designee shall determine in each instance that holding such office shall not in any manner interfere or conflict with the performance of the duties of such persons as employees of the Commission.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 15, 1949.

[F. R. Doc. 49-2107; Filed, Mar. 17, 1949; 10:49 a. m.]

EXECUTIVE ORDER 10045

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE WABASH RAILROAD COMPANY AND THE ANN ARBOR RAILROAD COMPANY AND CERTAIN OF THEIR EMPLOYEES

WHEREAS a dispute exists between the Wabash Railroad Company and the Ann Arbor Railroad Company, carriers, and certain of their employees represented by the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and the Brotherhood of Railroad Trainmen, labor organizations; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Wabash Railroad Company and the Ann Arbor Railroad Company, or their employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 15, 1949.

[F. R. Doc. 49-2108; Filed, Mar. 17, 1949; 10:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Department of the Army, the Commission has determined that the position of registrar at the United States Military Academy, West Point, New York, should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.105 (f) is amended to read as follows:

§ 6.105 *Department of the Army.* * * *

(f) *U. S. Military Academy, West Point, New York.* (1) NC/PD. Civilian

(Continued on next page)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

professors, instructors, registrar, teachers (except teachers at the Children's School), hostesses, chapel organist and the choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] FRANCES PERKINS,
Acting President.

[F. R. Doc. 49-2048; Filed, Mar. 17, 1949; 8:46 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 105—HEAD TAX

EXEMPTION OF FILIPINOS ADMITTED FOR TRAINING OR INSTRUCTION

FEBRUARY 17, 1949.

Section 105.3, Chapter I, Title 8 of the Code of Federal Regulations is hereby amended by the addition of paragraph (q) as follows:

§ 105.3 *Aliens not subject to head tax.* * * *

(q) *Filipinos admitted for training or instruction.* Filipinos admitted to the United States for training or instruction pursuant to the Philippine Rehabilitation Act of 1946. (Sec. 311 (d), 60 Stat. 139; 50 U. S. C. App. 1791)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary because this order merely brings into the regulations an exemption already accorded by law.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458)

JOHN P. BOYD,
Acting Commissioner of Immigration and Naturalization.

Approved: March 14, 1949.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 49-2060; Filed, Mar. 17, 1949; 8:49 a. m.]

PART 110—PRIMARY INSPECTION AND DETENTION

TRANSFER OF JURISDICTION OVER PORTS OF ENTRY

MARCH 9, 1949.

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations are hereby prescribed:

Section 110.1, *Designated ports of entry except for aircraft,* is amended by deleting "Honolulu, T. H., BSI" and "Hilo, T. H." from the listing of Class A and Class C ports of entry in District No. 13.

Section 110.1 is further amended by adding the following:

District No. 17—Honolulu, T. H.
Class A.
Honolulu, T. H., BSI.
Class B.
Hilo, T. H.

This order shall become effective on April 1, 1949. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable for the reason that these rules pertain solely to agency organization.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458 (a))

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: March 12, 1949.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 49-2057; Filed, Mar. 17, 1949; 8:48 a.m.]

Subchapter D—Nationality Regulations

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN

NATURALIZATION OF CHILD UPON PETITION OF PARENT; TERMINATION OF REQUIREMENT THAT CHILD BE ABLE TO SPEAK ENGLISH LANGUAGE

FEBRUARY 28, 1949.

The following amendments to Part 324, Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

1. Section 324.1, *A child born outside of the United States, one of whose parents is a citizen of the United States by birth or naturalization at the time of petitioning for naturalization of the child,* is amended by deleting the words "and ability to speak the English language" from the eighth sentence, which reads "The child's racial eligibility and ability to speak the English language shall be established by such evidence as may be satisfactory to the naturalization court."

2. Section 324.2, *A child not a citizen of the United States who has been adopted by a citizen of the United States,* is amended by deleting the words "and ability to speak the English language" from the eighth sentence, which reads "The child's racial eligibility and ability to speak the English language shall be established by such evidence as may be satisfactory to the naturalization court."

These amendments shall become effective on the date of their publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is unnecessary because this amendment relieves a child or adopted child on whose behalf a petition for naturalization has been filed from the requirement that he be able to speak the English language. To retain that requirement would be impracticable in view of the fact that such child might be of such age that it would be impossible for him to speak.

(Sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 727, 458)

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: March 11, 1949.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 49-2059; Filed, Mar. 17, 1949; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52170]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

AFFIXING OF BLUE IN-TRANSIT SEALS

Paragraph (g) of § 5.8, Customs Regulations of 1943 (19 CFR, Cum. Supp., 5.8 (g)), is amended to read as follows:

§ 5.8 *Merchandise in transit between ports in the United States through contiguous foreign territory; procedure at port of exit or lading on vessel.* * * *

(g) It shall be the duty of the carrier to affix blue in-transit seals to al openings of conveyances and compartments containing in-transit merchandise, except that conveyances or compartments already secured by red in-bond seals may go forward without having blue in-transit seals affixed thereto and without in-transit manifests, and except that the collector may relieve the carrier of this responsibility by notifying it in writing that customs inspectors will assume it. The conveyance shall not proceed until after the customs inspector has finished the inspection.

(Sec. 554, 46 Stat. 743; 19 U. S. C. 1554)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: March 11, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-2061; Filed, Mar. 17, 1949; 8:49 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1949, 5th Amdt. to Dept. Circ. 530, 6th Rev., Dated Feb. 13, 1945]

PART 315—REGULATIONS GOVERNING SAVINGS BONDS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 49-1640, appearing on page 979 of the issue for Friday, March 4, 1949, the last sentence of § 315.47 (c) should read: "If any of the persons are minors or incompetents, payment or reissue of the bond will not be permitted without administration, except to them or in their names unless their interests are otherwise protected to the satisfaction of the Secretary of the Treasury."

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

ECUADOR

In § 127.243 *Ecuador* (13 F. R. 9143) amend paragraph (b) (7) *Observations* by adding the following subparagraph (viii):

(viii) The Ecuadorian authorities require that the addressees of commercial parcels sent from the United States possess a copy of the shipper's export declaration (Commerce Department Form 7525-V) signed by the mailer, certified by the post office of mailing, and visaed by an Ecuadorian consul. Copies of export declarations prepared and signed by mailers and presented at post offices for certification shall be legibly postmarked and returned to the mailers. Such copies are in addition to those required under the provisions of § 127.85.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-2032; Filed, Mar 17, 1949; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8979]

PART 1—PRACTICE AND PROCEDURE

APPLICATION FOR CONSOLIDATION OF TELEPHONE COMPANIES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of March, 1949;

The Commission having under consideration the matter of the amendment of § 1.527 (Rules Relating to Organization and Practice and Procedure) of the Commission's rules and regulations; and also having under consideration its notice of proposed rule making adopted herein on May 12, 1948, and published in the FEDERAL REGISTER on May 20, 1948 (13 F. R. 2717), in accordance with section 4 (a)) of the Administrative Procedure Act;

It appearing, that the period in which interested persons were afforded an opportunity to submit comments expired on June 28, 1948; that prior to said date the American Telephone and Telegraph Company, for itself and the Bell Telephone Companies, the Commercial Telegraphers' Union (AFL) and the Telephone Workers Organizing Committee (CIO) filed comments recommending certain changes in the proposed amendments; that prior to said date, the Communications Workers of America filed comments endorsing the general objectives of proposed amendments; and that such comments have been carefully considered and certain of them have been incorporated in the proposed amendment as hereinafter ordered;

It further appearing, that in proceedings on applications filed under section 221 (a) of the Communications Act of 1934, as amended, by one or more telephone companies for authority to effect a consolidation or acquisition, the Commission is required to find, as a condition to certification thereof and after public hearing on the application, that the proposed consolidation, acquisition, or control will be of advantage to persons to whom service is to be rendered and in the public interest; and the Commission recognizes that, in making such a finding, it should give consideration to the effects of the proposed transaction on the interests of employees as a factor in the public interest;

It further appearing, that the Commission's present rules and regulations do not require the submission of any information relating to the status of employees affected by proceedings under section 221 (a) as part of the application for authority under that section; and the amendments to the Commission's rules, as adopted by this order, will require that applicants provide information to the Commission as to the effects on the status of the employees involved of the transaction for which authority is sought;

It is ordered, That effective April 25, 1949, §1.527 (Rules Relating to Organization Practice and Procedure) of the Commission's rules and regulations is amended as follows:

1. Renumber existing subparagraphs (11) and (12) of paragraph (a) as subparagraphs (13) and (14) thereof, respectively, and add new subparagraphs (11) and (12) as follows:

(11) With respect to the full-time employees employed in the exchange area or exchange areas served by properties proposed to be acquired, a complete statement as to the treatment proposed to be accorded to such employees by the acquiring company, with due regard to such matters as severance pay, if any, for employees discharged as a consequence of the transaction; accrued pension and benefit rights, if any; wages; locations of employment; job assignments; seniority; and other conditions of employment.

(12) With respect to the full-time employees employed in the exchange area or exchange areas served by properties proposed to be consolidated or merged, a complete statement describing the manner in which the respective labor forces will be integrated or merged, giving due regard to the treatment to be accorded to such matters as severance pay, if any, for employees discharged as a consequence of the transaction; accrued pension and benefit rights, if any; wages; locations of employment; job assignments; seniority and other conditions of employment.

2. Renumber subparagraph (7) of paragraph (b) as subparagraph (9) thereof, and add new subparagraphs (7) and (8) as follows:

(7) With respect to the full-time employees employed in the exchange area or exchange areas served by the properties proposed to be acquired, consolidated, or merged, a table showing for each such employee, by name, his job classification, length of service, wage rate and location of employment; except that where twenty-five or more full-time employees are employed in any exchange area served by the properties to be consolidated or merged with another exchange area or exchange areas, such information with respect to those employees may be given on a group basis by job classification.

(8) Copies of any pension or benefit plans which are referred to in the statements supplied pursuant to subparagraphs (11) and (12) of paragraph (a) of this section.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i))

Released: March 9, 1949.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-2053; Filed, Mar. 17, 1949; 8:47 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 1]

[Docket No. 9061]

REVISION OF PROCEDURE RELATING TO HANDLING OF BROADCAST APPLICATIONS

ERRATUM TO NOTICE OF PROPOSED RULE MAKING

Notice is hereby given of an erratum in the notice of proposed rule making in the above entitled matter released on February 23, 1949 (14 F. R. 907). The note (14 F. R. 908) in the appendix to the notice of proposed rule making should read:

NOTE: If the procedure specified in this part is adopted, it is proposed that the so-called AVCO procedure specified in § 1.321 (a)-(e) of the Commission's rules and regulations will be repealed except that the procedure will continue to be applicable to applications filed before the effective date of these rules.

Adopted: March 9, 1949.

Released: March 11, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-2054; Filed, Mar. 17, 1949; 8:47 a. m.]

[47 CFR, Parts 12, 13]

[Docket No. 9240]

AMATEUR RADIO SERVICE AND COMMERCIAL RADIO OPERATORS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendments of §§ 12.27, 12.67, 13.11 (a) and 13.28 of the Commission's rules and regulations governing amateur radio service and commercial radio operators; Docket No. 9240.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Commission proposes to amend §§ 12.27, 12.67, 13.11 (a) and 13.28 of its rules and regulations to accomplish certain non-substantive editorial changes and also to accomplish the following substantive changes:

(a) To provide for a one year period of grace during which applications for the renewal of expired amateur operator licenses, amateur station licenses, and commercial radio operator licenses may be filed with the Commission. The proposed amendment will not extend the term of the license or authorize operation after the date of expiration.

(b) To modify the renewal service requirements applicable to the renewal of commercial radio operator licenses without examination.

(c) To modify the renewal service requirements applicable to the renewal of commercial radio operator licenses upon the basis of a renewal-type examination.

3. The proposed amendments, authority for which is contained in sections 4 (i) and 303 (l) and (r) of the Communications Act of 1934, as amended, are set forth below.

[1] Commissioners Walker and Sterling not participating; Commissioner Jones dissenting.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth in the appendix hereto, may file with the Commission on or before April 25, 1949, a statement or brief setting forth his comments. At the same time, persons favoring the amendments as proposed may file statements in support thereof. The Commission will consider any such comments that are received before taking any final action in the matter, and if any comments are received which appear to warrant the holding of an oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 9, 1949.

Released: March 10, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Sections 12.27 and 12.67 of the Commission's rules governing amateur radio service are amended to read as follows:

§ 12.27 *Renewal of amateur operator license.* (a) An amateur operator license may be renewed upon proper application showing that within the last six months of the license term the licensee has lawfully operated an amateur station or stations licensed by the Commission, and has thereby communicated by radio telegraphy with at least three other such amateur stations in the United States. The applicant shall qualify for a new license by examination if the requirements of this section are not fulfilled.

(b) The renewal application shall be accompanied by the applicant's amateur operator license, and also by his amateur station license if he holds one.

(c) Application for renewal of an amateur operator license may be filed not earlier than 120 days prior to the date of expiration and not later than a period of grace of one year after such date of expiration. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. This one year period of grace shall apply only to licenses expiring on or after January 1, 1951.

(d) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

§ 12.67 *Renewal of amateur station license.* (a) An amateur station license may be renewed upon proper application filed not earlier than 120 days prior to the date of expiration and not later than a period of grace of one year after such date of expiration. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. This one year period of grace shall apply only to licenses expiring on or after January 1, 1951.

(b) The renewal application shall be accompanied by the applicant's amateur station license, and also by his amateur operator license if he holds one.

(c) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

2. Sections 13.11 (a) and 13.28 of the Commission's rules governing commercial radio operators are amended to read as follows:

§ 13.11 *Procedure*—(a) *General.* Applications shall be governed by applicable rules in force on the date when application is filed. The application in the prescribed form and including all required subsidiary forms and documents, properly completed and signed shall be submitted in person or by mail to the office at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for renewal of license, it may be filed at any time during the final year of the license term or during a one year period of grace after the date of expiration[1] of the license sought to be renewed. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. A renewal application shall be accompanied by the license sought to be renewed. If the prescribed service requirements for renewal without examination[2] are fulfilled, the renewed license may be issued by mail. If the service record on the reverse side of the license does not fully describe or cover the service desired by the applicant to be considered in connection with license renewal (as might occur in the case of service rendered at U. S. government stations), the renewal application shall be supported by documentary evidence describing in detail the service performed and showing that the applicant actually performed such service in a satisfactory manner.

§ 13.28 *Renewal service requirements, renewal examinations, and exceptions.* A restricted radiotelephone operator permit or an aircraft radiotelephone operator authorization is not renewable but must always be obtained as a new permit or authorization in each instance. A license of any other class may be renewed without examination: *Provided,* That the service record on the reverse side of the license[3] shows at least two years of satisfactory service in the aggregate during the license term and while actually employed as a radio operator under that license. If this two year renewal service requirement is not fulfilled, but the service record shows at least one year of satisfactory service in the aggregate during the last three years of the license term and while actually employed as a radio operator under that license, the license may be renewed upon the successful completion of a renewal examination, which may be taken at any time during the final year of the license term or during a one year period of grace after the date of expiration[4] of the license sought to be renewed. The renewal examination will consist of the highest numbered examination element normally required for a new license of the class sought to be renewed, plus the code test (if any) required for such a new license. If the renewal examination is not successfully completed before expiration of the aforementioned one year period of grace, the license will not be renewed on any basis.

[F. R. Doc. 49-2056; Filed, Mar. 17, 1949; 8:47 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-1160]

TENNESSEE GAS TRANSMISSION CO.

ORDER ALLOWING TARIFF SHEET TO TAKE EFFECT, CANCELLING HEARING AND TERMINATING PROCEEDING

MARCH 14, 1949.

On November 30, 1948, Tennessee Gas Transmission Company (Tennessee) filed with the Commission First Revised Sheet No. 22 to its FPC Gas Schedules to become effective on January 1, 1949. The revised sheet proposed to amend the Quality Provision of the tariff by adding a statement that the specified quality was to be determined at pressures and temperatures prevailing in Tennessee's pipeline.

[1] Applications for renewal of licenses which expired between July 1, 1948, and the effective date of the establishment in these rules of the one year period of grace may be filed during a period of one year commencing on such effective date. Applications filed under this footnote shall be governed by applicable rules in force on the date when application is filed.

[2] See § 13.28.

[3] See §§ 13.91 to 13.94.

[4] With respect to licenses which expired between July 1, 1948, and the effective date of the establishment in these rules of the one year period of grace, the renewal examination (where required) may be taken during a period of one year commencing on such effective date.

Hope Natural Gas Company (Hope) by letters of December 14 and 16, 1948, submitted an informal protest to the proposed revision and on December 30, 1948, the Commission issued an order suspending the proposed revised sheet pending a hearing and decision on the lawfulness of the proposal. The hearing was set for January 31, 1949, in Washington, D. C. On January 17, 1949, Tennessee and Hope filed a joint motion for postponement to March 15, 1949, which was granted by order of the Commission on January 27, 1949.

On March 11, 1949, Tennessee and Hope filed a joint motion to cancel the hearing and to terminate the proceeding.

The Commission finds: Good cause has been shown for cancelling the hearing and terminating the proceeding in the above entitled docket, and the proposed revised tariff sheet should be permitted to take effect.

The Commission orders: (A) The hearing now set for March 15, 1949, at 10:00 a. m., be and the same is hereby cancelled and the proceeding terminated, and the First Revised Sheet No. 22 to the FPC Gas Schedules of the Tennessee Gas Transmission be and the same is hereby allowed to take effect as of January 1, 1949.

(B) This acceptance for filing shall not be construed as a waiver of section 7 of the Natural Gas Act, as amended; nor shall it be construed as constituting approval of any rate, charge, classification, or any rule, regulation or practice affecting such rate or service contained in the tariff, nor shall such acceptance be deemed as recognition of any claimed contractual right of obligation associated therewith; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against your company.

Date of issuance: March 15, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-2051; Filed, Mar. 17, 1949; 8:47 a. m.]

[Docket No. E-6156]

CITY OF TACOMA, WASH.

NOTICE OF FINDINGS AND ORDER OF THE COMMISSION

MARCH 15, 1949.

Notice is hereby given that, on March 8, 1949, the Federal Power Commission issued its findings entered March 8, 1949, in the above-designated matter, that the interests of interstate or foreign commerce would be affected by the construction and operation of either or both of the proposed reservoirs and ordered the City of Tacoma, before commencing construction of either of the proposed reservoirs, to receive a license under the provisions of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-2049; Filed, Mar. 17, 1949; 8:46 a. m.]

[Docket No. G-1161]

TENNESSEE GAS TRANSMISSION CO.

ORDER POSTPONING HEARING

MARCH 14, 1949.

On March 11, 1949, East Tennessee Gas Company and Tennessee Natural Gas Lines, Inc., filed a motion for continuance until April 19, 1949, of the hearing set for March 15, 1949, by order of the Commission issued in the above entitled docket on January 27, 1949. On March 11, 1949, Tennessee Gas Transmission Company joined in the motion for the continuance.

The Commission finds: Good cause has been shown for postponing the date for hearing as set in Commission's order of January 27, 1949, to April 19, 1949, but that said order should not be otherwise modified.

The Commission orders: The hearing now set for March 15, 1949, at 2:00 o'clock p. m., be and the same is hereby postponed until April 19, 1949, at 9:30 o'clock a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: March 15, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-2052; Filed, Mar. 17, 1949; 8:47 a. m.]

[Docket No. G-1168]

DELHI OIL CORP.

NOTICE OF FINDING UPON APPLICATION FOR STATUS DETERMINATION

MARCH 15, 1949.

Notice is hereby given that on March 10, 1949, the Federal Power Commission issued its finding entered March 10, 1949, in the above-designated matter, upon the application of Delhi Oil Corporation for status determination involving the proposed sale of natural gas to El Paso Natural Gas Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-2050; Filed, Mar. 17, 1949; 8:46 a. m.]

[Docket No. G-1169]

POTOMAC GAS CO.

NOTICE OF APPLICATION

MARCH 14, 1949.

Notice is hereby given that on February 11, 1949, an application was filed with the Federal Power Commission by Potomac Gas Company (Applicant), a Virginia corporation with its principal office at Arlington, Virginia, for a certificate pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition and operation of the following described natural-gas facilities, subject to the jurisdiction of the Commission:

Approximately 13,000 feet of 12-inch cast iron, mechanical joint gas pipe line (750 feet of which consist of steel pipe) located in Arlington County, Virginia, extending from the terminus of the 16-inch pipe line owned and operated by Applicant, located at the intersection of Lee Boulevard and Fillmore Street in Arlington County, Virginia, to a point of connection with gas transmission facilities of Washington Gas Light on the Virginia side of Key Bridge in Arlington County, Virginia.

Applicant states that it has been informed that the facilities proposed to be acquired are presently owned by Rosslyn Gas Company, which distributes and sells gas in Alexandria, Arlington County and part of Fairfax County, Virginia. Applicant also states that it has been informed that the said facilities proposed to be acquired have been used regularly to transport gas from the facilities of Washington Gas Light Company to the distribution system of Rosslyn Gas Company, and that said facilities have been tested on two occasions to transport gas from the facilities owned by Applicant to the facilities of Washington Gas Light Company. The calculated capacity of the facilities described herein is 15,000 Mcf per day, predicated on a pressure of 50 psi at Lee Boulevard and Fillmore Street and a pressure of 25 psi at the West Station of Washington Gas Light Company.

Applicant states that it and Rosslyn Gas Company are wholly-owned subsidiaries of Washington Gas Light Company.

Applicant states that the facilities proposed to be acquired will be utilized for the transportation of gas from Applicant to Washington Gas Light Company, and by the latter through these facilities to the distribution system of Rosslyn Gas Company. Title to the gas transported in these facilities will be in Washington Gas Light Company. Any gas which is delivered to customers of Rosslyn Gas Company who are connected to the facilities described herein will be delivered by Applicant to such customers for the account of Rosslyn Gas Company.

The cost of the facilities proposed to be acquired is $55,507.66 which is stated to be the depreciated original cost of said pipe line as of December 31, 1948. The capital requirements of Applicant for the purchase of these facilities will be supplied by Washington Gas Light in the form of advances on open account.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such a request.

The application of Potomac Gas Company is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-2044; Filed, Mar. 17, 1949; 8:45 a. m.]

[Docket No. G-1174]

COUNTY GAS CO.

NOTICE OF APPLICATION

MARCH 14, 1949.

Notice is hereby given that on March 3, 1949, an application was filed with the Federal Power Commission by County Gas Company (Applicant), a New Jersey corporation with its principal office at Atlantic Highlands, New Jersey, for a certificate of public convenience and necessity pursuant of section 7 of the Natural Gas Act, as amended, authorizing the construction and operating of the following described natural-gas facilities, subject to the jurisdiction of the Commission:

Approximately 14.4 miles of 6-inch welded steel pipe line extending from a point of connection with the natural-gas transmission pipe line of Texas Eastern Transmission Corporation at or near Metuchen, New Jersey, thence in a southerly and southeasterly direction to connect with Applicant's gas transmission and distribution system near Keyport, New Jersey.

Applicant proposes to construct the aforesaid natural-gas facilities in order to procure and receive natural gas from Texas Eastern Transmission Corporation and in connection therewith Applicant also proposes to construct a gas pressure regulating and metering station at or near Keyport, New Jersey, for the purpose of receiving, treating, metering and reducing in pressure the natural gas to the pressures required for transmission and distribution in Applicant's present gas system.

Applicant states that it proposes to commence construction of the facilities described herein within 90 days after issuance of a certificate by the Federal Power Commission and upon completion of the construction will convert the appliances of the presently served natural gas customers so that such appliances may be operated with 1,000 Btu natural gas. Applicant further states that it intends to serve only the Applicant's present gas system and service area.

The total estimated over-all capital cost of the proposed facilities is $350,000, which will be financed from a proposed sale of first mortgage refunding bonds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such a request.

The application of County Gas Company is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-2043; Filed, Mar. 17, 1949; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

ANNEX 2, "INTERNATIONAL RULES OF THE AIR"

NOTICE OF DIFFERENCES FILED WITH INTERNATIONAL CIVIL AVIATION ORGANIZATION BY U. S.

In Draft Release 48-6, "Implementation of the International Rules of the Air (Annex 2 to the International Civil Aviation Convention)," the Bureau of Safety Regulation gave formal notice to the aviation public that Annex 2 "International Rules of the Air"[1] of the International Civil Aviation Convention would come into full force and effect in accordance with the terms of the Convention on January 1, 1949, unless disapproved by a majority of the International Civil Aviation Organization member states prior to that date.

Our information indicates that no member state has disapproved the Annex. Therefore, as of January 1, 1949, the Annex is fully effective and will govern operations over the high seas, and in the territories of the member states except to the extent that such states have filed with the International Civil Aviation Organization notice of differences with such Annex.

The United States as a member state of the International Civil Aviation Organization did not file a notice of disapproval of Annex 2. However, it was the view of the Civil Aeronautics Board that, while Annex 2 may be acceptable as an international standard, in several respects the content and arrangement of Part 60 of the Civil Air Regulations were a preferable guide for domestic operations. The Board, therefore, requested the State Department to file with the International Civil Aviation Organization notice of our intention to continue in our domestic regulations a substantial number of differences from Annex 2.

In accordance with the Board's policy of keeping the aviation public fully informed as to our activity with respect to the International Civil Aviation Organization, the Bureau of Safety Regulation wishes to make available to the entire industry the substance of the notification given to the International Civil Aviation Organization of the differences from the provisions of Annex 2 which are in effect in Part 60 of the Civil Air Regulations as of January 1, 1949.

The Board has found that these differences may be readily divided into four categories as follows:

(1) *Arrangement and concept.* Differences between the over-all concept and arrangement of the International Civil Aviation Organization rules of the air and of the comparable parts of the Civil Air Regulations having a substantive effect;

(2) *Individual rules.* Individual items in the International Rules which differ substantively from comparable Civil Air Regulations;

(3) *Additional requirements.* Items in our Civil Air Regulations which are not found in International Rules; and

(4) *Optional rules.* Items in the International Rules which, by their own terms, permit member states to take individual action which need not be uniform.

Thus, the notice of differences filed by the United States was subdivided into four parts as follows:

I. ARRANGEMENT AND CONCEPT

DIFFERENCES BETWEEN THE OVER-ALL CONCEPT AND ARRANGEMENT OF ICAO RULES OF THE AIR AND OF THE COMPARABLE PARTS OF THE CIVIL AIR REGULATIONS HAVING A SUBSTANTIVE EFFECT

The United States Air Traffic Rules (Rules of the Air) differ from Annex 2 in arrangement and concept as follows:

They follow the concept recommended by the RAC Division and the Air Navigation Committee. Under this concept these Air Traffic Rules are arranged in three parts:

(1) General Flight Rules.
(2) Visual Flight Rules.
(3) Instrument Flight Rules.

In the United States, aircraft must be operated at all times in compliance with our General Flight Rules and also in compliance with either our Visual Flight Rules or our Instrument Flight Rules, whichever are applicable.

Our General Flight Rules are similar to those in Paragraphs 2.6 to 2.13 of Chapter 2 and those in section 1 of Chapter 3 of Annex 2 and are not called "Visual Flight Rules" as are those in section 1 of Chapter 3 of Annex 2.

Our Visual Flight Rules set up specified minimums of visibility and distance from clouds and, as was recommended by the third session of the RAC Division, minimum ceiling in control zones. If a flight is conducted in conditions below any of these minimums, it must be conducted in compliance with Instrument Flight Rules. Our Visual Flight Rules are similar to those given in the table in Paragraph 2.3 of Annex 2, but as noted above, Annex 2 does not designate them as Visual Flight Rules.

The Instrument Flight Rules in the United States are a group of rules similar to those in section 2 of Chapter 3 of Annex 2. Furthermore, the United States General Flight Rules require that when an air traffic clearance has been obtained under either VFR or IFR, the pilot shall not, except in an emergency, deviate from the provisions thereof unless an amended clearance is obtained or unless, when in VFR weather conditions, he has notified air traffic control that he is cancelling his IFR flight plan and

[1] Copies of Annex 2, the international counterpart of Part 60 of the Civil Air Regulations, "Air Traffic Rules," may be obtained upon request of the Secretariat, International Civil Aviation Organization, Dominion Square Building, Montreal, P. Q., Canada, accompanied by twenty-five cents ($0.25) in coin.

proceeding under Visual Flight Rules. Paragraph 3.2.6 of Annex 2 has a rule regarding compliance with an air traffic clearance but it is not one of the rules expressly included in those that a pilot must follow when flying in VFR conditions. While the rule that requires compliance with air traffic control instructions received (Paragraph 3.1.2 of Annex 2) may intend to cover clearances as well as instructions, the United States regulations definitely spell out the fact that both instructions and clearances must be complied with at all times.

While possibly the two paragraphs under "2.3.1 Note" have no effect on the standards, in the United States a pilot is not always considered to be in "VFR weather conditions" when the weather conditions permit him to fly in specified conditions of visibility and distance from clouds. Regardless of what he is able to do, in the United States he is not in VFR weather conditions unless he does fly in specified conditions of visibility and distance from clouds.

In connection with Paragraphs 2.3.2 and 2.3.3 we have stated above what we call Visual Flight Rules and Instrument Flight Rules in the United States.

In the United States a pilot must fly under the Instrument Flight Rules if he does not conduct his flight in accordance with the visibility and distance from clouds rules prescribed in our Visual Flight Rules. Para. 2.3.4 of Annex 2 says it is the responsibility of the pilot to ascertain whether the conditions permit flight under VFR or require compliance with the IFR. This is confusing when another rule says that the rules designated as Visual Flight Rules must be followed at all times and when the same group of rules are designated as part of the Instrument Flight Rules.

In view of the above the United States is not changing the arrangement and concept of its Air Traffic Rules (Rules of the Air) to agree with Annex 2.

II. Individual Rules

Individual items in the international rules which differ substantively from comparable civil air regulations

The following additional differences will exist between the United States Civil Air Regulations and comparable Standards in Annex 2 (Rules of the Air):

(1) In the United States, Air Traffic Clearance is defined as, "Authorization by Air Traffic Control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within a control zone or control area."

This definition is more restrictive than ICAO's in that it defines the purpose of the authorization and states that this authorization is to "proceed under specified traffic conditions" while this last phrase of ICAO's definition does not include the word "traffic."

(2) The United States Visual Flight Rules governing visibility outside of control zones and control areas contain a relaxation of the 1-mile visibility requirement in the case of helicopters. This regulation reads:

> However, helicopters may be flown at or below 700 feet above the surface when the flight visibility is less than one mile if operated at a reduced speed which will give the pilot of such helicopter adequate opportunity to see other air traffic or any obstruction in time to avoid hazard of collision.

(3) For flights over congested areas or an open-air assembly of persons, the United States' regulations have a less restrictive minimum safe altitude rule for helicopters than ICAO by stating:

> Helicopters may be flown at less than the minimum prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with (a) above; however, the Administrator, in the interest of safety, may prescribe specific routes and altitudes for such operations, in which event, helicopters shall conform thereto;
>
> Note: The rule recognizes the special flight characteristics of the helicopter which can accomplish an emergency landing within a relatively small space. However, if a helicopter is flown over the congested area of a city, town, or settlement, at less than 1,000 feet above the highest obstacle, the pilot is required to fly with due regard to places in which an emergency landing can be made with safety and, further, to maintain an altitude along the flight path thus selected from which such an emergency landing can be effected at any time.

(4) For flights over other than congested areas the United States' minimum safe altitude regulation is more restrictive than ICAO's (except in the case of helicopters which must follow the same minimum safe altitude rule as that in Annex 2). This more restrictive rule reads as follows:

> (c) *Over other than congested areas.* An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In such event, the aircraft shall not be operated closer than 500 feet to any person, vessel, vehicle or structure.

(5) The United States' regulations regarding aircraft lights are as follows:

> *Aircraft lights.* Between sunset and sunrise:
>
> (a) All aircraft in flight or operated on the ground or under way on the water shall display position lights,
>
> (b) All aircraft parked or moved within or in dangerous proximity to that portion of any airport used for, or available to, night flight operations shall be clearly illuminated or lighted, unless the aircraft are parked or moved in an area marked with obstruction lights,
>
> (c) All aircraft at anchor shall display anchor lights, unless in an area within which lights are not required for vessels at anchor, and
>
> (d) Within the Territory of Alaska the lights required in paragraphs (a), (b), and (c) above shall be displayed during those hours specified and published by the Administrator.
>
> *Sunset and sunrise.* Sunset and sunrise are the mean solar times of sunset and sunrise as published in the Nautical Almanac converted to local standard time for the locality concerned, except within the Territory of Alaska.

In connection with the above regulations it should be noted that:

(a) In the United States all lights required for aircraft—both in operation and not in operation—must be displayed between sunset and sunrise. In Annex 2 only aircraft under way on the water have to display such lights between sunset and sunrise, while other required lights must be displayed at night.

(b) In Alaska, the required lights must be displayed during those hours specified and published by the Administrator. These are as follows:

> In Alaska the lights required by this section shall be displayed when any unlighted aircraft or other unlighted prominent objects cannot readily be seen beyond a distance of three miles, or when the sun is more than six degrees below the horizon.

(c) The United States' regulations require position lights for all aircraft, including gliders and lighter-than-air aircraft, while Annex 2 requires such forward lights and rear lights for power-driven heavier-than-air aircraft only.

(d) The only light, in addition to position lights, the United States' regulations now require for seaplanes and amphibians on the surface of the water is the anchor light, which must have a visibility of 2 miles.

Annex 2 provides that the lights to be displayed by aircraft on the water shall be the same as those formerly required on such aircraft by the International Regulations for the Prevention of Collision at Sea. The RAC Division recommended that compliance with these lighting rules be required only in areas where the IRPCS are in force which would not make them mandatory in the continental United States. The Council, however, adopted them as worldwide Standards which complicates the situation and a further complication has arisen since, at a recent meeting of the organization for the Prevention of Collision at Sea, these rules were amended. In view of this situation, the United States is not making any change in its regulations governing these lights at the present time.

(6) The United States' regulations regarding minimum altitudes (IFR) state that:

> Except when necessary for take-off or landing, no person shall operate an aircraft below the following altitudes:
>
> *IFR operations.* The minimum IFR altitude established by the Administrator for that portion of the route over which the operation is conducted. Such altitude shall be that which the safe conduct of flight permits or requires considering the character of the terrain being traversed, the meteorological services and navigational facilities available, and other flight conditions. Where the Administrator has not established such a minimum, operations shall be conducted at not less than 1,000 feet above the highest obstacle within a horizontal distance of 5 miles from the center of the course intended to be flown.
>
> Note: When minimum altitudes are established by the Administrator for particular routes, such altitudes will be published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

Annex 2's Standard on this subject is:

> Except when necessary for take-off or landing, or except when specifically authorized by the appropriate authority, aircraft shall be flown at an altitude of at least 300 meters (1,000 feet) above the highest obstacle located within 8 kilometers (5 miles) of the aircraft in flight.

The differences in the United States' regulation quoted above, due to the except-when-authorized phrase in ICAO's

Standard, may not constitute a deviation. However, the following should be noted by pilots flying into the United States:

(a) The Administrator fixes minimum instrument altitudes over established routes. Furthermore, the Administrator has prescribed minimums of not less than 2,000 feet above the highest obstacle within a horizontal distance of 5 miles either side of the center of the course intended to be flown in mountainous areas where route minimums have not been established.

Route minimums and mountainous areas established by the Administrator are published in the CAA Flight Information Manual.

(b) When the Administrator has not established a minimum, the minimum is 1,000 feet above the highest obstacle within a horizontal distance of 5 miles from the center of the course intended to be flown and not, as in Annex 2, within 5 miles of th aircraft in flight. As the selection of the proper altitude is naturally a part of preflight planning the United States will continue its 5 miles on either-side-of-the-course-intended rule considering it more logical than the 5 miles-of-the-aircraft-in-flight Standard.

(7) The United States' regulations do not require that the number of persons on board be listed in the Instrument Flight Plan on domestic operations. This information is for the benefit of Search and Rescue and its inclusion in domestic flight plans is impracticable of application, particularly in the case of scheduled operations. The United States, however, will comply with this Standard in the case of International Flights.

(8) The United States' regulation regarding radio failure is as follows:

Radio failure. If unable to maintain two-way radio communications, the pilot in command of the aircraft shall:

(a) If operating under VFR conditions, proceed under VFR and land as soon as practicable, or

(b) Proceed according to the latest air traffic clearance to the radio facility serving the airport of intended landing, maintaining the minimum safe altitude or the last acknowledged assigned altitude, whichever is higher. Descent shall start at approach time last authorized or, if not received and acknowledged, at the estimated time of arrival indicated by the elapsed time specified in the flight plan.

At the third session of the RAC Division all of the participating Contracting States wanted to amend the communications-failure Standard contained in Annex 2. However, agreement could not be reached on a new wording and the Division recommended that the Standard be left as written and that the States give further study to this matter of revision so that an amendment could be made at a later date.

For this reason the United States is not changing its regulation at the present time.

III. Additional Requirements

Items in our civil air regulations which are not found in the international rules

The United States, partly because of the magnitude of its air traffic problem has a number of rules which have no counterpart in Annex 2.

(1) The United States Visual Flight Rules provides:

Aircraft shall comply with the following requirements as to ceiling * * *:

(a) *Within control zones.* Unless authorized by air traffic control, aircraft shall not be flown when the ceiling is less than 1,000 feet-----.

The Third Session of the RAC Division recommended a similar Standard be added to Annex 2.

(2) The United States regulations contain cruising altitude rules for VFR flight above 3,000 feet above the surface:

Cruising altitudes. When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface, the following cruising altitudes shall be observed:

(a) *Within control zones and control areas.* At an odd or even thousand-foot altitude appropriate to the direction of flight as specified by the Administrator;

(b) *Elsewhere.* When the flight visibility is less than 3 miles, at an altitude appropriate to the magnetic course being flown as follows:

These magnetic-course, or track, altitudes are the same as specified in the quadrantal-altitude table of Annex 2 for IFR flight.

NOTE: "Odd and even" thousand-foot altitudes specified by the Administrator for civil airways will be published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. In view of increasing air traffic and the broad range of speed of aircraft, safety requires observance of the above cruising altitudes.

(3) "In an emergency situation which results in no deviation from the rules prescribed herein but which requires air traffic control to give priority to an aircraft, the pilot of such aircraft shall make a report within 48 hours of such emergency situation to the nearest regional office of the Administrator." The Third Session of the RAC Division recommended a similar Standard be added to Annex 2.

(4) The United States is not an area in which the International Regulations for the Prevention of Collision at Sea are in force. The United States regulations contain a set of rules governing the operation of aircraft on the water. They are practically the same as those submitted by ICAO to the International Convention for the Prevention of Collision at Sea for coordination and are as follows:

Water operations. An aircraft operated on the water shall, insofar as possible keep clear of all vessels and avoid impeding their navigation. The following rules shall be observed with respect to other aircraft or vessels operated on the water:

(a) *Crossing.* The aircraft or vessel which has the other on its right shall give way so as to keep well clear;

(b) *Approaching head-on.* When aircraft, or an aircraft and vessel, approach head-on, or approximately so, each shall alter its course to the right to keep well clear;

(c) *Overtaking.* The aircraft or vessel which is being overtaken has the right-of-way, and the one overtaking shall alter its course to keep well clear;

(d) *Special circumstances.* When two aircraft, or an aircraft and vessel, approach so as to involve risk of collision, each shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

NOTE: The rules for operating aircraft on the surface of the water conform to marine rules for the operation of vessels. The "special circumstances" rule is provided for situations wherein it may be impracticable or hazardous for a vessel or another aircraft to bear to the right because of depth of a waterway, wind conditions, or other circumstances.

(5) When flying under IFR, "Aircraft operating along a civil airway shall be flown to the right of the center line of such airway, unless otherwise authorized by air traffic control."

The object of this regulation is to provide lateral separation in the case of aircraft flying our radio range system.

(6) In addition to the time and altitude reports required in IFR position reports the United States regulations require that "weather conditions which have not been forecast and other information, pertinent to the safety of flight" must also be reported.

This additional information is important to safety of flight and will continue to be required by our regulations.

(7) The United States Air Traffic Rules contain two regulations which might be considered operation rules instead of Rules of the Air and which are not contained in Annex 2. These are:

(a) No person shall operate an aircraft in formation flight when passengers are carried for hire, and,

(b) *Alternate airport.* An airport shall not be listed in the flight plan as an alternate airport unless current weather reports and forecasts show a trend indicating that the ceiling and visibility at such airport will be at or above the following minimums at the time of arrival:

(1) *Airport served by radio directional facility.* Ceiling 1,000 feet, visibility 1 mile; or ceiling 900 feet, visibility 1½ miles; or ceiling 800 feet, visibility 2 miles;

(2) *Airport not served by radio directional facility.* Ceiling 1,000 feet with broken clouds or better, visibility 2 miles;

(3) *Minimums at individual airports.* The Administrator may, in the interest of safety, prescribe higher ceiling and visibility minimums at individual airports than required by (1) or (2) above; and for individual operations at particular airports, may specify lower minimums if he shall find that such reduced minimums will not decrease safety.

NOTE: The minimums set forth above are required for clearance prior to take-off and are not intended to limit use of any alternate airport if weather conditions change while enroute, in which event the landing minimums published in the CAA Flight Information Manual shall apply. Minimums for particular airports which may be prescribed by the Administrator will be published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

IV. Optional Rules

Items in the international rules which, by their own terms, permit member states to take individual action which need not be uniform

There are several Standards in Annex 2 (Rules of the Air) which, by their own terms, permit Contracting States to take individual action which need not be uniform. The United States action on these particular Standards is as indicated below:

(1) Cruising altitude is defined in the United States as "A constant altimeter

indication, in relation to sea level, maintained during a flight or portion thereof."

In the United States the "fixed and defined datum" used in the ICAO definition is sea level.

(2) In the United States the lower level of Control Areas is 700 feet above the surface and both Control Zones and Control Areas extend upward to infinity.

(3) Annex 2 prohibits parachute descents, other than emergency descents, unless authorized by the appropriate authority.

By having no such prohibition, the United States regulations give an overall authorization "by the appropriate authority."

(4) Annex 2 contains a note stating that: "Performance of acrobatics over certain areas may be subject to the consent of the appropriate authority." The United States regulations regarding these areas provide that except when authorized by the Administrator:

Acrobatic flight. No person shall engage in acrobatic flight:

(a) Over congested areas of cities, towns, settlements, or over an open-air assembly of persons, or

(b) Within any civil airway or control zone, or

(c) When the flight visibility is less than 3 miles, or

(d) Below an altitude of 1,500 feet above the surface.

Dated: March 10, 1949, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 49-2062; Filed, Mar. 17, 1949; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1090]

UNION CARBIDE AND CARBON CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of March A. D. 1949.

In the matter of application by the Cleveland Stock Exchange for unlisted trading privileges in Union Carbide and Carbon Corporation, Capital Stock, No Par Value, File No. 7-1090.

The Cleveland Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Capital Stock, No Par Value, of Union Carbide and Carbon Corporation, 30 East Forty-second Street, New York 17, New York.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the New York Stock Exchange and the Chicago Stock Exchange; that the geographical area deemed to constitute the vicinity of the Cleveland Stock Exchange is the State of Ohio; that out of a total of 28,807,314 shares outstanding, 1,196,581 shares are owned by 3,438 shareholders in the vicinity of the Cleveland Stock Exchange; and that in the vicinity of the Cleveland Stock Exchange transactions were effected in 35,617 shares during the period from January 1, 1948, to January 1, 1949;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Cleveland Stock Exchange for permission to extend unlisted trading privileges to the Capital Stock, No. Par Value, of Union Carbide and Carbon Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-2046; Filed, Mar. 17, 1949; 8:45 a. m.]

[File Nos. 59-32, 70-2029]

NEW YORK STATE ELECTRIC & GAS CORP. ET AL.

ORDER SEVERING RELATIONSHIP AND GRANTING AND PERMITTING JOINT APPLICATIONS-DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of March 1949.

In the matters of New York State Electric & Gas Corporation, Associated Electric Company, General Public Utilities Corporation, File No. 70-2029; General Public Utilities Corporation, File No. 59-32.

General Public Utilities Corporation ("GPU"), a registered holding company, and two of its subsidiaries, Associated Electric Company ("Aelec"), also a registered holding company, and New York State Electric & Gas Corporation ("New York State"), a public utility company, having filed joint applications-declarations, and amendments thereto, pursuant to the provisions of sections 6 (a), 7, 9 (a), 10, 12 (d) and 15 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-44 promulgated thereunder, regarding the following transactions:

1. New York State will amend its certificate of incorporation so as to (a) increase the number of authorized shares of its common stock from 880,000 to 1,100,000 and the number of authorized shares of its preferred stock from 185,000 to 225,000; (b) grant the right of cumulative voting in the election of its board of directors to the holders of its common stock; and (c) restrict the payment of dividends on its common stock, so long as any shares of its preferred stock are outstanding, so that, if its common stock equity is less than 25% of its total capitalization and surplus, the amount of dividends payable on its common stock may not exceed 75% of its net income available for common stock in the preceding 12 months, and if its common stock equity is less than 20% of its total capitalization and surplus, the amount of dividends payable on its common stock may not exceed 50% of its net income available for common stock in the preceding 12 months' period.

2. GPU owns all the outstanding common stock of New York State, consisting of 880,000 shares of a par value of $25 per share. GPU will issue to its stockholders transferable subscription warrants which will give the holders thereof for a period of not exceeding 30 days the right to subscribe for common stock of New York State. For each share of GPU common stock held by a stockholder of GPU, he will receive one right to subscribe for common stock of New York State. For each 10 rights, the holder may subscribe for 1 full share of the common stock of New York State at a price of $41 per share. No fractional shares of the New York State common stock will be sold, but in cases where fractional shares would otherwise be issued, the warrant will give the initial record holder the right to purchase, in lieu of any fractional shares, a full share thereof. GPU will pay participating dealers a fee of $1.25 for each share of common stock delivered upon the exercise of rights where the name of a participating dealer appears upon the face of the warrant or purchased by a participating dealer from GPU. The dealer-manager group will receive a fee of $0.125 for each share of New York State common stock sold.

3. Aelec will reduce the stated capital applicable to its 400,000 shares of $1 par value common stock as at December 31, 1948, from $21,500,000 to the aggregate par value of $400,000, transferring $21,100,000 from said stated capital to capital surplus; will create reserves as at the same date by a charge to earned surplus deficit in the amount of $2,900,000 to provide for the payment of redemption premium and expenses in connection with a contemplated redemption of its outstanding bonds and to write off the balance of unamortized debt discount and expense applicable to such bonds; and will eliminate the earned surplus deficit as at December 31, 1948 by transfer thereof to capital surplus.

The Commission having, on December 1, 1941, entered an order which prohibits Aelec from declaring or paying any dividends on its capital stock unless the consent of this Commission is first obtained; and

Aelec having requested the Commission that it modify its order of December 1, 1941 so as to permit Aelec to pay dividends on its capital stock in an aggregate cumulative amount not in excess of 10% per annum of the additional investments in Aelec made by the holder or holders of its common stock from and after January 1, 1949; and

The Commission having heretofore instituted a proceeding (designated as File No. 59–32) with respect to Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, pursuant to section 11 (b) (1) of the act, to determine the status of the Associated Gas and Electric Corporation holding company system under that section, and it appearing that Denis J. Driscoll and Willard L. Thorp have been discharged as Trustees of Associated Gas and Electric Corporation and that Associated Gas and Electric Corporation has been merged into Associated Gas and Electric Company, and that the name of the latter company has been changed to General Public Utilities Corporation; and

The Commission having reconvened the hearing with respect to the proceeding instituted with respect to GPU pursuant to section 11 (b) (1) of the act, and having ordered a hearing be held with respect to the said joint applications-declarations, as amended, filed by GPU, Aelec and New York State and having consolidated the two proceedings; and

Applicants-declarants having requested that the Commission find that the carrying out of the proposed sale by GPU of the common stock of New York State is necessary and appropriate to effectuate the provisions of section 11 (b) of the act and that in granting and permitting the joint applications-declarations, as amended to become effective, the Commission enter an order conforming to the requirements of sections 371 to 373, inclusive, and 1808 (f) of the Internal Revenue Code; and

A public hearing having been held, after appropriate notice, and the Commission having considered the record in these matters, and having made and filed its findings and opinion herein;

It is hereby ordered, Pursuant to section 11 (b) (1) of the act, that GPU, a registered holding company, sever its relationship with New York State by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the act or the rules or regulations promulgated thereunder, of its direct or indirect ownership, control and holding of securities issued and properties owned, controlled or operated by New York State.

It is further ordered, That the said joint applications-declarations, as amended, filed by GPU, Aelec and New York State be, and hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24 of the general rules and regluations promulgated under the act, and subject to the further condition that, within 60 days after the termination of the subscription period, New York State shall take appropriate steps to list its common stock on a national securities exchange.

It is further ordered, That Aelec shall not, without first obtaining the consent or approval of this Commission, declare or pay dividends on its common stock (other than dividends payable in shares of common stock) in an aggregate cumulative amount in excess of 10% per annum of the additional investments in Aelec made by the holders of its common stock from and after January 1, 1949 through capital contributions or the purchase of additional shares of common stock; provided, however, that with respect to any investment which has been made within twelve months immediately preceding the date of a proposed dividend payment, the dividend may not exceed 1/12 of 10% of such investment multiplied by the number of months intervening between the date of such investment and the date of such dividend payment; and provided, further, that evidencing may be declared or paid by Aelec only out of its earned surplus accumulated subsequent to December 31, 1948; and provided, further, that the dividends declared or paid by Aelec may not exceed 66⅔% of the consolidated earned surplus of Aelec and its subsidiaries other than Manila Electric Company accumulated subsequent to December 31, 1948.

It is further ordered, That jurisdiction be, and hereby is, reserved over (a) the accounting entries to be made by GPU in connection with the proposed transactions and (b) the payment of all fees and expenses other than the fees of the participating dealers and the dealer-manager group.

It is further ordered and recited, That the following transactions are necessary or appropriate to the integration or simplification of the GPU system, of which GPU and New York State are a part, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

(1) The issuance, transfer and delivery by GPU to its common stockholders of the rights to subscribe for the common stock of New York State held by GPU and the warrants evidencing such rights.

(2) The transfer, sale and delivery to GPU of rights to subscribe and warrants by the GPU stockholders and by any transferee or subsequent holder thereof, including the dealer-managers and the participating dealers.

(3) The exercise of rights to subscribe and warrants by any stockholder of GPU, or by any subsequent holder of such rights and warrants, including the dealer-managers and the participating dealers.

(4) The transfer, sale and delivery by GPU of the common stock of New York State, pursuant to the exercise of rights to subscribe and warrants by any stockholder of GPU and by any subsequent holder of such rights and warrants, including the dealer-managers and the participating dealers.

(5) The transfer, sale and delivery of the rights to subscribe and warrants by the exchange agents under the plan of reorganization of Associated Gas and Electric Company and Associated Gas and Electric Corporation and the plan of reorganization of Eastern Utilities Investing Company to any person, including GPU, and the receipt by, or reversion to, GPU of any balance of the proceeds of such sales of rights to subscribe and warrants by reason of the failure of the holders of securities or claims under said plans of reorganization to surrender their securities or make their claims within the periods fixed by the final decrees entered in such proceedings.

(6) The transfer, sale and delivery to GPU of the common stock of New York State by any holder of such common stock, including the dealer-managers and the participating dealers, and the transfer, sale and delivery by GPU of such common stock to any person, including the dealer-managers and the participating dealers.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–2047; Filed, Mar. 17, 1949; 8:46 a. m.]

[File No. 70–2064]

WISCONSIN ELECTRIC POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of March 1949.

Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company and a public utility company, having filed an application-declaration, and amendment thereto, pursuant to the provisions of sections 6, 7, 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 promulgated thereunder regarding the following transactions:

Wisconsin Electric proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, $10,000,000 principal amount of First Mortgage Bonds, --% Series due 1979 ("New Bonds"), to be issued under a Mortgage and Deed of Trust dated October 28, 1938, as amended and supplemented by the Second Supplemental Indenture dated June 1, 1946, and under a Third Supplemental Indenture to be dated March 1, 1949. The coupon rate per annum for the New Bonds (to be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest, to be received by Wisconsin Electric for the New Bonds (to be not less than 100% nor more than 102¾% of the principal amount of such New Bonds) are to be determined by the competitive bidding.

Wisconsin Electric further proposes to issue and sell for cash 266,093 shares of its Common Stock, par value $10 per share. The company proposes to issue to the holders of its 2,660,928 shares of Common Stock transferable warrants carrying (a) a Right to Subscribe on the basis of one share for each ten shares of Common Stock held of record and (b) a Privilege to Subscribe for additional shares not subscribed for through the exercise of Rights to Subscribe, subject to pro rata allotment of such additionally subscribed for shares. The record date for the holders of Common Stock, the period of the warrant offering and the subscription price per share for the additional Common Stock are to be supplied by an amendment herein, after the results of the competitive bidding for the New Bonds have been obtained.

The company states that the net proceeds to be received by Wisconsin Electric from the issue and sale of the New Bonds and additional Common Stock will be added to the general funds of the company to meet, in part, the capital expenditures for the proposed additions to its property and for other corporate purposes, including reimbursement of its treasury for capital expenditures previously made. Wisconsin Electric estimates that its construction program for the three years 1949, 1950, and 1951 will require capital expenditures of approximately $42,400,000.

The company has requested that our order herein regarding the issue and sale of the New Bonds be issued on or before March 11, 1949 and that our order with respect to the additional Common Stock be issued subsequent to the filing of the results of the competitive bidding for the New Bonds.

Said application-declaration having been filed on February 14, 1949, and an amendment thereto having been filed on March 2, 1949, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The proposed issuance of New Bonds and additional Common Stock having been duly authorized by the Public Service Commission of Wisconsin, the only State Commission having jurisdiction over the proposed transactions; and

The Commission finding with respect to that portion of the application-declaration, as amended, pertaining to the proposed issue and sale of $10,000,000 principal amount of First Mortgage Bonds, __% Series due 1979, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, insofar as it relates to the proposed issue and sale of the New Bonds, be granted and permitted to become effective, subject to the terms and conditions specified below; and the Commission further deeming it appropriate to grant the request of applicant-declarant that the Commission shorten the period provided by Rule U-50 for invitation of bids for the New Bonds so that bids may be opened on March 21, 1949, and that the order herein become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration, as amended, insofar as it relates to the issue and sale of $10,000,000 principal amount of First Mortgage Bonds, __% Series due 1979, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24 and to the further condition that the proposed issue and sale of New Bonds by Wisconsin Electric shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record so completed, which order shall contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose.

It is further ordered, That the ten-day notice period provided by Rule U-50, for invitation of bids, be, and the same hereby is, shortened to a period of not less than six days.

It is further ordered, That jurisdiction be, and the same hereby is, reserved with respect to all other proposed transactions set forth in the application-declaration, as amended, and with respect to the payment of fees and expenses incurred or to be incurred in connection with all the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-2045; Filed, Mar. 17, 1949; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

TERRITORY OF HAWAII

NOTICE OF CHANGE IN FIELD SERVICE DISTRICT BOUNDARIES

MARCH 9, 1949.

Effective April 1, 1949, the Territory of Hawaii will be transferred from Immigration and Naturalization Service District No. 13 with headquarters at San Francisco, California, and will be designated as District No. 17, a new Immigration and Naturalization Service district, with headquarters at Honolulu, T. H.

The boundary of District No. 13 was defined in § 60.1 of Chapter I, Title 8 of the Code of Federal Regulations, until the codification of that section was discontinued on November 19, 1948 (13 F. R. 6760).

(Sec. 3 (a), 60 Stat. 237; 5 U. S. C. 1002)

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: March 12, 1949.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 49-2058; Filed, Mar. 17, 1949; 8:49 a. m.]

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12871]

ORLEANA R. E. BOKER

In re: Trust under will of Orleana R. E. Boker, also known as Orleana R. E. Thompson, deceased. Files No. D-28-1635; E. T. sec. 478, and D-28-1635 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Walden Ellery von Gorrissen and Robert Curt von Gorrissen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of George Walden Ellery von Gorrissen and of Robert Curt von Gorrissen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Orleana R. E. Boker, also known as Orleana R. E. Thompson, deceased, presently being administered by the Rhode Island Hospital Trust Company, as succeeding trustee, 15 Westminster Street, Providence, Rhode Island,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of George Walden Ellery von Gorrissen and of Robert Curt von Gorrissen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 2, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 49-2063; Filed, Mar. 17, 1949; 8:50 a. m.]

[Vesting Order 12875]

LEONHARD EPP

In re: Estate of Leonhard Epp, deceased. (Supplemental) File D 28-9191; E. T. sec. 11905.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Leonhard Epp (son of Franz Joseph Epp, deceased), and of Katharina Epp (Sister Luitpold), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Leonhard Epp, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Joseph Peltzer, Mt. Hope, Kansas, Administrator, d. b. n., c. t. a. acting under the judicial supervision of the Probate Court of Sedgwick County, Kansas,

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Leonhard Epp (son of Franz Joseph Epp, deceased), and of Katharina Epp (Sister Luitpold), are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 2, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2064; Filed, Mar. 17, 1949; 8:50 a. m.]

[Vesting Order 12877]

EMIL GUNTHER

In re: Estate of Emil Gunther, alias W. E. Gunther, deceased. File No. D-28-3500; E. T. sec. 5609.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Gunther, also known as Marie Karolina Elisabeth Guenther, Hedwig Gunther, also known as Hedwig Berta Emelie Guenther, (Mrs.) Karolina Charlotte Raab, nee Guenther, Hermann Gunther, also known as Hermann Guenther, and Charlotta Juliana Dorr, also known as Charlotte Doerr, nee Guenther, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Emil Gunther, alias W. E. Gunther, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Cook County, Illinois, as Depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 2, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2065; Filed, Mar. 17, 1949; 8:50 a. m.]

[Vesting Order 12878]

GUSTAV A. GUSSMANN

In re: Estate of Gustav A. Gussmann, also known as Gustav Adolf Gussmann, deceased. File No. F-28-51; E. T. sec. 2278.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Schoen and Hedwig Pauline Binder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personnel representatives; heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Caroline Christiane Marie Weeber (Webber), deceased, and of Eduard Otto Gussmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Gustav A. Gussmann, also known as Gustav Adolf Gussmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Laura E. Wasserott, as administratrix, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Caroline Christiane Marie Weeber (Webber), deceased, and of Eduard Otto Gussmann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 2, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2066; Filed, Mar. 17, 1949; 8:50 a. m.]

[Vesting Order 12884]

MADELEINE ELISE VAN WAGENEN AND CITY TRUST CO. OF NEWARK

In re: Trust agreement dated June 22, 1927, between Madeleine Elise Van Wagenen, donor, and City Trust Company of Newark, trustee, as amended on July 5, 1932. File No. D-28-1627-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else von Fabrice, whose last known address is Germany, is a resident

of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees, distributees, and issue, names unknown, of Wilhelmina Ahlsweh Broichsitter, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated June 22, 1927, by and between Madeleine Elise Van Wagenen, donor, and City Trust Company of Newark, trustee, as amended on July 5, 1932, presently being administered by Fidelity Union Trust Company, successor trustee, 755 Broad Street, Newark, New Jersey,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees, distributees, and issue, names unknown, of Wilhelmina Ahlsweh Broichsitter, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 2, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2067; Filed, Mar. 17, 1949; 8:51 a. m.]

[Vesting Order 12907]

TATSUJIRO SAKA

In re: Cash owned by Tatsujiro Saka. D-39-2025-E-1.

Under the authority of the Trading With the Enemy Act as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tatsujiro Saka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan):

2. That the property described as follows: Cash in the sum of $503.17, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tatsujiro Saka, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 2, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2068; Filed, Mar. 17, 1949; 8:51 a. m.]

[Vesting Order 12911]

KATSUMI TAKEMOTO

In re: Cash owned by Katsumi Takemoto. D-39-14126-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katsumi Takemoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $592.05, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Katsumi Takemoto, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 2, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2069; Filed, Mar. 17, 1949; 8:51 a. m.]

[Vesting Order 12912]

JUNNOSUKE TANJI

In re: Cash owned by Junnosuke Tanji. F-39-11904-E-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Junnosuke Tanji, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $553.00, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Junnosuke Tanji, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 2, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2070; Filed, Mar. 17, 1949; 8:51 a. m.]

[Vesting Order 12913]

SEISUKE UMEKI

In re: Cash owned by Seisuke Umeki. D-39-1384-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seisuke Umeki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $1,801.40, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Seisuke Umeki, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 2, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2071; Filed, Mar. 17, 1949; 8:51 a. m.]

[Vesting Order 12942]

UNKNOWN PERSONS

In re: Funds owned by persons unknown.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Federal Reserve Bank of New York on or about January 21, 1949, received from the Office of Military Government for Germany (U. S.) certain burnt and mutilated United States currency and that on or about February 16, 1949 the Federal Reserve Bank of New York forwarded said burnt and mutilated currency to the Treasurer of the United States;

2. That the Treasurer of the United States has determined the redemption value of the aforesaid burnt and mutilated United States currency to be $8,801.50 and that said sum is presently on deposit with the Treasurer of the United States;

3. That the Office of Military Government for Germany (U. S.) has represented that the aforesaid burnt and mutilated currency is, upon information presently available, believed to be the property of German nationals but that it has been unable to determine the identities of said persons;

4. That the persons referred to in subparagraph 3 hereof, who, if individuals, there is reasonable cause to believe are residents of Germany and, if partnerships, corporations, associations or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

5. That the property described as follows: The sum of $8,801.50 presently on deposit with the Treasurer of the United States, representing the redemption value of the aforesaid burnt and mutilated United States currency received by the Federal Reserve Bank of New York on or about January 21, 1949 from the Office of Military Government for Germany (U. S.),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 4 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons referred to in subparagraph 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2073; Filed, Mar. 17, 1949; 8:51 a. m.]

[Vesting Order 12918]

RICHARD FRANZ METZNER ET AL.

In re: Bonds, mortgage and claims owned by Richard Franz Metzner, and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

Names and Last Known Addresses

Richard Franz Metzner, 18 Abekenstrasse, Dresden, Germany.

Josephine Abbt, Ganswaldweg 6, Stuttgart, Germany.

Irene Schubert Hoene, Rachnitzstrasse 14, Dresden, Germany.

Ruth von Apell, Wilhelm Hauff Strasse 13, Berlin, Germany.

Angela von Mueller, Hainweg 1, Weisser Hirsch, Germany.

Horst Rabetge, Hindenburgstrasse 82, Hanover, Germany.

Gisela Rabetge, Hindenburgstrasse 32, Hanover, Germany.

Gunther Freytag, Gutenbergstrasse 19a, Osnabruck, Germany.

Gunther Pinckert, Sudenstrasse 9, Berlin-Steglitz, Germany.

Charlotte Schmieder, Konigsbruckerstrasse 4, Dresden, Germany.

Achim Pinckert, Sudenstrasse 9, Berlin-Steglitz, Germany.

Anna Abbt, Ganswaldweg 6, Stuttgart, Germany.

Ursula Schmieder, Konigsbruckerstrasse 4, Dresden, Germany.

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Georg Christof von Unruh, also known as Georg von Unruh, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany):

3. That the Tolkewitzer Urnenhof Krematorium, the last known address of which is Dresden, Germany, and the Stuttgart Cemetery, the last known address of which is Stuttgart, Germany, are corporations, partnerships, associations or other business organizations organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. Three (3) 6% bonds issued by John S. Latta and secured by a certain Indenture of Mortgage, dated March 1, 1928, executed and delivered by John S. Latta to Fidelity-Philadelphia Trust Company, Trustee, and covering premises at S. W. Cor. 17th Street and The Parkway, Philadelphia, Pennsylvania, which bonds are of $1,000 face value each, bear the numbers 145, 146 and 147 and are presently in the custody of Fidelity-Philadelphia Trust Company, Broad and Walnut Streets, Philadelphia, Pennsylvania, in an account entitled Agency for Arno P. Mowitz, German Consul at Philadelphia—Account #46077, together with any and all rights thereunder and thereto, and together with all rights and interests created by virtue of a certain Declaration of Trust executed by Fidelity-Philadelphia Trust Company, Trustee on May 21, 1948, with respect to the aforesaid bonds,

b. Three (3) first mortgage 4% ten year bonds, due January 10, 1954, issued by Donald A. Ferry, of the City of Philadelphia, Commonwealth of Pennsylvania, and secured by a certain Indenture of Mortgage, dated January 10, 1944, executed and delivered by Donald A. Ferry to Fidelity-Philadelphia Trust Company, Trustee, and covering premises at Southeast corner 15th and Locust Streets, Philadelphia, Pennsylvania, which bonds are of $325 face value each, bear the numbers 250, 251, and 252 and are presently in the custody of Fidelity-Philadelphia Trust Company, Broad and Walnut Streets, Philadelphia, Pennsylvania, in an account entitled Agency for Arno P. Mowitz, German Consul at Philadelphia—Account #46077, together with any and all rights thereunder and thereto,

c. One (1) First Mortgage Six Per Cent Five Year Gold Bond, due November 1, 1928, issued by I. Clarence Pennington, of the City of Philadelphia, Commonwealth of Pennsylvania, and secured by a certain mortgage, dated November 1, 1923, executed and delivered by I. Clarence Pennington to Fidelity Trust Company, and covering premises at 250 South 18th Street, Philadelphia, which bond is of $1,000 face value, bears the number 250, and is presently in the custody of Fidelity-Philadelphia Trust Company, Broad and Walnut Streets, Philadelphia, Pennsylvania, in an account entitled Agency for Arno P. Mowitz, German Consul at Philadelphia—Account #46077, together with any and all rights thereunder and thereto,

d. A mortgage executed on July 7, 1928 by John C. Patterson, Jr., a single man, to William O. Freytag, and recorded in the Office of the Recorder of Deeds, Philadelphia County, Pennsylvania, in Mortgage Book No. 6270, Page 472, which mortgage was assigned by Fidelity-Philadelphia Trust Company and Harvey Gourley, Executors of the Will of William O. Freytag, deceased, to Arno P. Mowitz, German Consul at Philadelphia, by assignment dated October 25, 1937, and recorded in the Office of the Recorder of Deeds, Philadelphia County, Pennsylvania, on November 1, 1937, in Assignment of Mortgage Book No. 1416, Page 6, for distribution to the parties entitled thereto under the Will of Magdalena H. Freytag, deceased, in pursuance of the Order and Decree, dated July 9, 1937, in the Orphans' Court of Philadelphia County, No. 1114 of 1937, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

e. That certain debt or other obligation of Fidelity-Philadelphia Trust Company, Broad and Walnut Streets, Philadelphia 9, Pennsylvania, arising out of funds collected from the liquidation of interests in certain mortgages, which funds are held in an account entitled Agency for Beneficiaries under the Will of Magdalena H. Freytag—Account No. 46350, and any and all rights to demand, enforce and collect the same, and

f. That certain debt or other obligation of Fidelity-Philadelphia Trust Company, Broad and Walnut Streets, Philadelphia 9, Pennsylvania, arising out of funds collected from the liquidation of interests in certain mortgages, which funds are held in an account entitled Agency for Arno P. Mowitz, German Consul at Philadelphia—Account No. 46077, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraphs 1 and 3 hereof and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Georg Christof von Unruh, also known as Georg von Unruh, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 3 hereof, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Georg Christof von Unruh, also know as Georg von Unruh, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 11, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2074; Filed, Mar. 17, 1949; 8:53 a. m.

MRS. A. LYNDHURST TOWNE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. A. Lyndhurst Towne, Tanganyika, East Africa, Claim No. 6444, $2,907.78 in the Treasury of the United States.

The following securities registered in the name of the Alien Property Custodian presently in custody Safekeeping Department, Federal Reserve Bank, New York, New York: Certificate No. 4541, 4 shares California Packing Corporation (New York) $50.00 par value preferred. Certificate No. 44374, 80 shares Pacific Gas and Electric Company (California) $25.00 par value 6% first preferred. Certificate No. 1455, 80 shares Southern California Gas Company (California) $25.00 par value Series A preferred.

All right, title, interest and claim of any kind or character whatsoever of Carl Gall, also known as Karl Gall, in and to the trust established by an agreement executed on July 30, 1919, between William J. Younger and Virginia T. Younger, parties of the first part, and Maud Younger, Herbert L. Younger, Annie E. MacDonald, Alice Y. Nugent, Carl Gall and Margarethe Kolb, parties of the second part.

Executed at Washington, D. C., on March 10, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-2040; Filed, Mar. 16, 1949; 8:52 a. m.]